



Attorneys at Law

May 31, 2007

BY HAND DELIVERY

The Honorable Joseph J. Farnan, Jr.
U.S. District Court
844 N. King Street
Wilmington, DE 19801

Re: *Sea Star Line LLC v. Emerald Equipment Leasing, Inc.*
C.A. No.: 05C-245 JJF

Dear Judge Farnan:

This action was originally filed by Sea Star Line LLC ("Sea Star") in the United States District Court for the Middle District of Florida (the "Florida Action"), against Emerald Equipment Leasing, Inc. ("Emerald"), seeking a declaratory judgment with respect to rights and liabilities under an Equipment Rental Agreement. On April 20, 2005, the Court in the Florida Action entered an order transferring the case to this district. On April 21, 2005, before the docket was transferred to this Court, Emerald filed its Answer, Affirmative Defenses and Counterclaim. On February 15, 2006, Emerald filed an Amended Counterclaim.

On May 11, 2007, Sea Star filed and served a Notice of Deposition of Emerald, pursuant to Rule 30(b)(6). On May 16, Emerald filed a Motion for Protective Order (D.I. 116), seeking to limit the scope of the deposition. Thus, the deposition will go forward after the Motion for Protective Order is decided. That motion should be fully briefed in the next two weeks.

Pursuant to the Scheduling Order issued on November 3, 2006, dispositive motions are to be filed on or before June 1, 2007. Had the Motion for Protective Order not been filed, the 30(b)(6) deposition of Emerald would have been completed before the dispositive motion deadline.

On May 25, 2007 Emerald filed a Motion for Partial Summary Judgment (D.I. 117). Sea Star intends to file a Partial Motion for Summary Judgment, which will result in six briefs on the motions for summary judgment. Sea Star requests permission to file its opening brief on its motion at the time it files its answering brief to Emerald's

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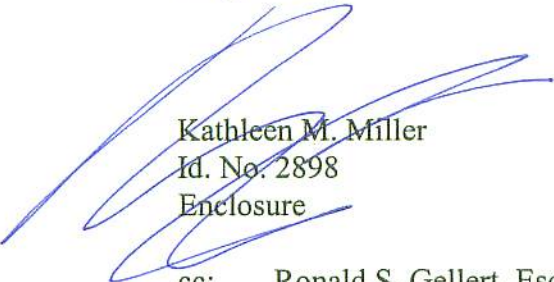
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motion. If permitted to proceed in this manner, Sea Star intends to file a combined brief. Emerald will then file a combined reply/answering brief and Sea Star will file a reply brief on its motion. The result of this briefing schedule will be that the Court will be presented with only four briefs on the two motions.

As for timing of the filing of the briefs, Sea Star requests that it be permitted to conduct the Emerald 30(b)(6) deposition before filing its motion for summary judgment. Sea Star will be prepared to file its motion within 10 days of the deposition. If the Court permits the requested combined briefing, Sea Stars requests that the briefing schedule in L.R. 7.1.2 be extended to give each side an additional week.

A proposed form of Order is enclosed.

Respectfully,



Kathleen M. Miller
Id. No. 2898
Enclosure

cc: Ronald S. Gellert, Esquire (via eFiling)
Alan Moldoff, Esquire (by fax)